

A successful labor relations summit



The Labor Relations Summit took place June 27-28

How can we make state government a better place to work in the wake of a controversial and bruising legislative session? That's the question 50 state managers and employees tackled at a labor relations summit held June 27 and 28 in Helena. Two international labor relations experts used a problem-solving process known as "appreciative inquiry" to help participants develop action plans for their work areas and departments. Three themes quickly emerged:

- **Promote the value and importance of state employment and public service.** Participants thought state agencies and state government could do a better job promoting the importance of public service and the great work our employees do. They offered several suggestions for public relations campaigns for individual agencies and state government as a whole.

One idea touted partnering nonpolitically with the state employee unions' *Work That Matters* campaign.

State Human Resources, through the Workforce Planning Task Force, will coordinate and support an advisory committee to study the proposal and recommend actions. Agency managers and employees can help by using every opportunity to educate the public on the importance of state programs and services.

- **Change our "people management" practices.** Many summit participants suggested we start promoting the importance of public service from the beginning:
 - ✓ change the way we describe our jobs when posting for hire,
 - ✓ make sure employees understand how they contribute to the big picture,
 - ✓ create career ladders that recognize skill and ability,

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- ✓ cross-train so people are prepared to move up in their agencies,
 - ✓ solicit employees' input on major policy changes,
 - ✓ recognize top contributors regularly.
- ***Make productive use of labor-management committees.*** Most collective bargaining agreements in state government provide for labor-management committees (LMCs). Some are highly productive, some need kick-starting, and some are non-existent. Representatives from the Department of Justice's Motor Vehicle Division decided to establish their first LMC. They want to build a shared vision, improve morale, and streamline work processes.

Representatives from the Department of Fish, Wildlife and Parks reached a similar conclusion. They intend to set up a fully functional LMC to consider the department's long-term relevance. The group cited challenges such as ownership, mission, morale, barriers to competitive success, and work-life balance for employees.

The State Office of Labor Relations can help your agency set up or kick-start your LMC. Contact [Ruth Anne Hansen](#) at 444-3892 for more information.

The staff at the State Human Resources Division thanks all the summit presenters, speakers, and participants for an engaging, productive two-day event. Please contact any one of us if you need help with your agency action plans.

DOR's performance management project

In management, how we make decisions and guide our employees has a direct effect on our success in serving Montanans. In this vein, the Department of Revenue launched its performance management project in January 2010. We started the program because we are committed to increasing accountability in our agency. In addition, we believe that *managerial decision-making should start with information that measures the success of agency performance.*

Purpose

The purpose of DOR's performance management project is threefold:

- to enable managers to make informed decisions, based on measurements of progress toward reaching goals and objectives,
- to ensure that employees understand how their performance directly contributes to achieving agency goals, and
- to continually improve our work and the results we achieve for the people of Montana.



Department of Revenue Performance Management Team: Jamie Schell, Loraine Wodnik, Alan Peura, and Greg Schneider

To reinforce the relationship between the department's performance and each employee's performance, DOR is working to link the performance management project to our employee appraisal process. By doing this, managers can make sure employees recognize their valuable contributions to achieving our agency goals.

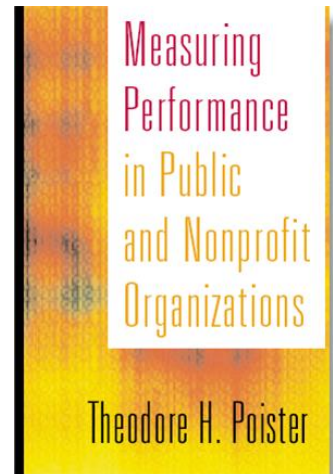
Framework

DOR put together a plan that focused on three aspects:

- enabling a successful outcome,
- allowing the flexibility to handle employees' multiple priorities, and
- incorporating changes based on newly learned information.

We generally followed the guidance of *Measuring Performance in Public and Nonprofit Organizations*, by Theodore H. Poister. This book is a great resource for effective performance measurement at the agency level. Using this guide, we developed methods to measure our performance (including outputs, efficiency, productivity, effectiveness, service quality, and public satisfaction). We used the resulting data to improve our decision-making and our agency's success.

Please note: While this book served as a valuable resource for DOR, it's clear that there isn't one right way to manage performance in a state agency.



Technology

Managing decisions with information requires tools that give us immediate data on performance. DOR has installed SAS software. It creates information dashboards that both managers and employees can see. At a glance, all of DOR will be able to see the agency's progress.

Results

At DOR, the performance management model has helped us clearly map how our work affects the agency's success. In turn, this improves the quality of life for Montana citizens, which is the foundation of our [mission statement](#).

We believe the performance management model could do the same for other state agencies. We look forward to providing updates on what this project means for what really counts – improving services and results for Montanans.

If you would like more information about the performance management project at DOR, contact [Greg Schneider](#) at 444-4393.

Employers and medical marijuana



The 2011 Legislature passed House Bill 43, addressing employers' rights regarding employees' use of medical marijuana. The bill amends several laws:

- the Medical (now Montana) Marijuana Act,
- the Workforce Drug and Alcohol Testing Act,
- the statute prohibiting discrimination for using a lawful product on non-work time, and
- the Workers' Compensation Act.

With these changes in the law, employers' hesitance to enforce their drug policies should be gone. The amendments took effect on May 6.

One set of amendments clarifies the limitations in the Montana Marijuana Act (50-46-205, MCA). The Act now specifically says the state employees' group benefit plan doesn't have to cover medical marijuana costs. HB 43 removes the language "in the workplace" to clarify that employers don't have to accommodate medical marijuana anywhere. HB 43 also makes it clear that the Montana Marijuana Act does not create a civil cause of action under wrongful discharge or discrimination laws.

HB 43 broadens the scope of employees an employer may test for drugs or alcohol under the Workforce Drug and Alcohol Testing Act (39-2-205, MCA). An employer may now test a worker in a job "in which driving a motor vehicle is necessary for any part of the individual's work duties." Employers still need to follow the very detailed criteria and procedures set out in the Act before any testing is allowed.

Another Montana law makes it illegal for an employer to discriminate for using lawful products during nonworking hours (39-2-313, MCA). Medical marijuana might have been one of those "lawful products." However, HB 43 lists medical marijuana as a lawful product not covered by the statute when the use affects an individual's ability to perform the job or presents safety issues.

HB 43 amends the Workers' Compensation Act to clarify when an injured worker who uses medical marijuana may get workers' comp (39-71-407, MCA). According to the changes, if the employee is entitled to benefits, he or she may receive them, unless the marijuana use was the "major contributing cause" of the injury. Next, an insurer is not required to reimburse any costs for the use of marijuana. Finally, even if the employer knows about the marijuana use and does not stop it, the restrictions on coverage still apply.

PDC offers workshop on motivating environment

The Professional Development Center has produced a brief overview on *Creating a Motivating Environment*. This on-line presentation takes about 11 minutes and provides tips and resources for

managers. To view this presentation at no cost, go to [PDC's website](#) and click on the icon that looks like this:



For the full deal, you can attend the Professional Development Center's half-day workshop, *Creating a Motivating Environment*, in Helena on July 26. It will take place from 8:30 to noon in the Yellowstone Room, Metcalf Building. The workshop will also take place in Billings on September 22 at the Best Western Kelly Inn. The investment is \$93.

The discussion begins with the fact that managers can't motivate employees, but they can create the environment that taps each employee's own motivation to work hard and well. This workshop will give you ideas and tools for creating that motivating environment. Here's a link to [register for the course](#).

PDC courses outside Helena

This summer, the Professional Development center is offering several courses elsewhere in Montana. If your agency has operations in these cities, you can help spread the word. You can check out more information [here](#).



<i>Managing Conflict</i>	Lewistown	August 2; 8:30 a.m. – 4:30 p.m.
<i>Managing Conflict</i>	Great Falls	August 3; 8:30 a.m. – 4:30 p.m.
<i>Investigating Personnel Issues</i>	Missoula	August 18; 8:30 a.m. – 4:30 p.m.
<i>All Kidding Aside: Preventing Harassment</i>	Missoula	August 19; 8:30 a.m. – noon
<i>Essentials of Management</i>	Miles City	starts September 7
<i>Privacy and the Right to Know</i>	Miles City	September 13; 8:30 a.m. – 4:30 p.m.
<i>Montana's Wrongful Discharge Act</i>	Billings	September 16; 8:30 a.m. – noon
<i>Creating a Motivating Environment</i>	Billings	September 22; 8:30 a.m. – noon

The PDC will also present two interactive on-line courses. Your employees can take part from any location.

<i>Generations at Work</i>	on-line	September 15; 10 a.m. – noon
<i>Robert's Rules of Order</i>	on-line	September 20; 10 a.m. – noon

Alternative formats ...

The State Human Resources Division will make reasonable accommodations to provide an alternative accessible format of this newsletter. If you need an alternative format, please contact the Division at 406-444-3871 or TDD 406- 444-1421.